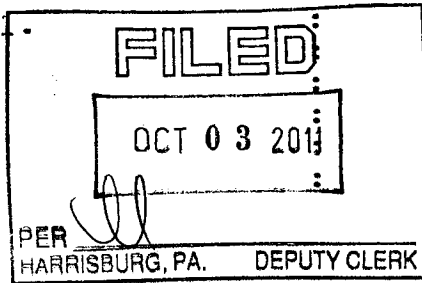


ROBBIE THOMAS PRO,SE.
VS.

LT.MR.McCOY Et,Al.



10-1639-CCC-EC #54
No.'s:1-cv-101639 ("And
1:11-cv-1089 Et.Al.

MOTION FOR RELIEF FROM JUDGEMENT PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURES, 60 (b).

COMES NOW, ROBBIE Thomas, PRO,SE.Petitioner herein in Pro,se.

Fashion,and moves this Honorable Court to rescind its Order of
September 22,2011,under FRCVP 60(b),in the united state District
Court for the Middle District befor the Honrable District Judge
Mr.Christopher C. Conner District Judge.

2)-The Order in question was issued by this Court on September
22,2011

3)-A Renewal of the Civil Action before the Court is needed and
shown why as follow:

4)-60(b)(1),Mistake,Inadvertence,Suprise or Excusable Neglect:

5)-On June 8th.2011 a "Order"went issued by the Court(Please)See
Original Federal Court order.

To Cure deficiencies concerning"Retaliation Claim",and (Doc.34)
went "Stricken".

6)-while the order was followed by the Pro,se Plaintiff with a
pro,se."Memorandum of Law" Coververing deficiencies as to

Retaliations-at best(See attached marked as Exhibit #1),namely at
location of number(14) that do address the name's also and
personal involvement(s) the Deficiencies were corrected as to the

"Retaliation"(s)issue.

7)-The Petitioner's original and other filing's were processed with the assistance of inmates at the State Correction(s) of both SCI-Huntingdon and took over at SCI-Mahanoy State Prison in Pennsylvania, in which a clear picture may not have been painted of the Constitutional factual due process violation(s), and or the other(s) that have been occurring as to the retaliation issue's at the time of its (1983) and Memorandum of Constitutional violations of Retaliation's that have been occurring do to once filing of a State Court Civil action against the Department Of Correction for personal injuries #2001 that also went settled by the Department of Corrections in 2003.

8)-At the time of filing of Civil Action No. 1:10-CV-1639, and 1:11-cv-1089 (Un-Consolidated) as sort and assumed by even the Department of Correction attorney on 1:11-cv-1089, the filing of a Motion to dismiss by the "DOC" Confirm's please see the filing of the Department of Correction attorney stating and requesting understanding as to it-and or a doing of the Consolidation, that was not done by this Court Clerity had been questioned and not done either by the court-assuming that matter #1:11-CV-1089 is still "Pending", and not addressed but, ruled on as to NO. 1:10-CV-1639.

9)-Pending is defined as:

Extraordinary Circumstances 60(b)(6), In a Civil Action No. 1:10-cv-1089 and No. 1:10-cv-1639 is still pending due to the facts of its early dismissal of the actual case before the Court.

This Court Must recind its actual order of 9-22-11 and allow what is only proper to continue based on actual federal court litigation due to error of the court's order of said September 22, 11.

Thus, we turn our attention to the term "Pending", "Pending is not

(1990) defines "Pending" as,

"Begun, but not yet completed; During; before the conclusion of; prior to the completion of; unsettled; undetermined; in process of settlement or adjudgement, and Awaiting an occurrence or conclusion of action, period of continuance or indeterminacy. thus an action or suit is "Pending" from its inception until the rendition of final judgement. an action is "pending" after it is commenced by either filing a complaint with the court or by service of a summons (emphasis added).

This definition reflects the terms common usage.

Federal Court example as to even a case that dealt once before as to a matter pending:

Deerwester VS. Carter 204 F.3d 417(3rd.Cir-2000), as to "Pending" 10)-The Petitioner at the time of the filings done prior hereto was taking medications from the Mental health department at all times, and that petitioner is working on his mental health recovery, inasmuch as sort a better assistance to aid at the filings of the court, whom isn't on any medications, and I ask this Honorable Federal Court to truly understand-the new assistance effort's to help and please excuse any prior mistakes, or lack of details or specifics and in the discretion of the this Honorable Court, and in the interest of justice and fairness, incline towards granting, rather than denying relief, as the respondent will not be prejudiced as they were never compelled by this Honorable District Court to file a formal response to the extraordinary circumstances that shall follow here in as to the issue of the retaliation and it called on by total amendment of personal involvements as to asked for "Amendment" of the Court #1:10-cv-1639

11)-The Constitutional Personal involvement(s) now properly follow based on Constitutional Specifics as asked for by the Amendment as to Retaliation only.

12)-In 1999 Plaintiff Sustained injury due to a "Personal Injury" on a slip and fall off a Prison Door ramp at SCI-Huntingdon prison, and a state court civil action was filed and later settled in 2003, the State Court Civil Action also had listed the Medical department of the same state prison as defendants case#2001-863 please see attached of the actual state court legal settlement dated 12-9-03, and marked as Exhibit #2.

That matter had also been a known constitutional right to litigate by way of a "Personal injury" being legally addressed and Settled.

13)-At the time of originally addressing the injury by a protected right of constitutional protection a retaliation effort by that state Prison had started to unfold and went reported to the Psychiatrist who was assigned to my case file, his name is Doctor F.E. Wawrose (Psychiatrist) in 2002, and marked as exhibit number "3".

14)-The injury and its retaliations went reported then to the doctor and the usage of the "MISCONDUCTS" at Retaliations, however your plaintiff had escaped by being transferred to another State Prison being SCI-Prackville-and years later transferred to another State Prison called SCI-Albion wherein the Retaliations "Re-took" up by the Department and its official(s), that I am told by a "Direct prison order" Not to write that prison, the matter went filed within the Court there and is dated 7-28-11 as to facts. And those who are personally involved as well.

15)-From a transfer from that State Prison back to the state Prison of SCI-Huntingdon the matter of facts re-took up and Plaintiff was the subject(s) of as shown in exhibit(3), bogus 141 write-up by also the prison originally injured at "Huntingdon" who was actually suited by a protected constitutional right at Litigations.

16)-At SCI-Huntingdon in 2008 when plaintiff returned he went put in the prison "RHU" without a write-up, and following the "Order's" of that prison Superintendent to the "Program Review Committ" SO

Done-by them.

Personally involved by order's issued were Superintendent

Mr.Lawyer.

Taking the"ORDER"were the program review committee;

Making then very self "Personally involved"As taking the order's

of the Superintendent there Mr.Lawyer,to them being also
defendent(s),Deputy Corbin-and the superintendent's assistance

Ms.Connie Green-taking also the other's to deny any other appeals

for write-up's there at SCI-Huntingdon State Prison.

Major Mr.Wakefield personally involved at his taking also order's
to keep me in the "RHU"and also Lt.McCoy of "RHU"At SCI-

Huntingdon PRC & taking order's to do what got did to me as to
the holding me also within the "RHU"and the hearing judge Mr.

Mitchell as stated and when asked why--I got called a "Legal

Begal"as to the matter of the past involving the personal injury

and the retaliations of stated,not just then--on a day after
released from the "RHU"("Restricted Housing unit"),Defendent

Ms.Jackson(Of the medical department at SCI-Huntingdon)State

PRISON(Stood with one of the prior state civil action)"Defendents
of the State Court civil action the day of her position took at

helping to retaliate against me by fabricating a state prison

write-up to put me in the state prison's RHU on 10-17-08 write-up

number A951154 for an alleged sexual harassment charge sentenced

to (90)days in the "RHU"and making herself personally involved

for other's who were listed in the state court civil action #2001
-863 that went settled in 2003 as stated and listed in exhibit#2

herein-the defendent that day was Mr.Doctor Luis Araneda"as
recalled being with MS.Jackson on 10-17-08-and he went not listed

but,the party used that day to retaliate against plaintiff,being
defendent Ms.Jackson of medical department at SCI-Huntingdon.

Plaintiff had a constitutional right to file the state court

civil action and not be retaliated against for haven done so.

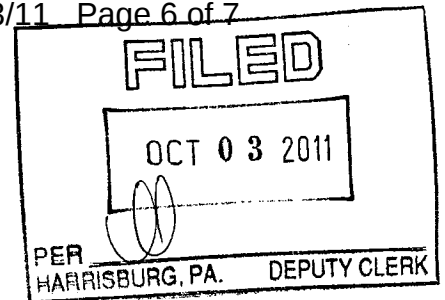
Please see:Sprouse Vs.Babcock
(C.A.8(Iowa)1989)

Having been done as a form of actual retaliation is in total

violation of the state and federal Constitution,namely all went

9-28-11

Robbie Thomas#CY-4327 Pro,se.
301 Morea Road
Prackville, Pa.17932



Re:Enclosed pro,se.Filing of 60(b).

To:Clerk Ms.Mary D'andrea for the Hon.Judge Mr.Conner,one 60(b)
Not bounded and sent apart only for weight purpose's-but,it total
(10)pages all as one "Petition"of my helped with Rule 60(b).
The other copies by carbon shall follow timely.
Please file in to the record of your court,for the Hon.District
Judge Mr.Conner's attention.

Sincerely,

Robbie Thomas#CY-4327 Pro,se.
301 Morea Road
Prackville, Pa.17932

cc.Robbie Thomas Pro,se.

Note I am a indigent Pro,se. Litigant and due to even this civil
case before the court as to the State Prison Officials as to the
"Retaliations".

Legal copies & Postage is very hard to obtain at the State Prison
and I'll do my very best as to the filing(s)of this 60(b).

NAME ROBBIE THOMAS PRO, SE.

INMATE MAIL

Hasler

09/30/2011

NUMBER CY-4327

MRS. MARY E. D'ANDREA
PA DEPT OF

US POSTAGE

301 MOREA ROAD
FRACKVILLE, PA 17932

CORRECTIONS

TO: THE FEDERAL COURT CLERK FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA:

228 Walnut, St.

P.O. BOX 983

Harrisburg, Pa. 17108



LEGAL MAIL 1 of 2.

RECEIVED
HARRISBURG, PA

OCT 03 2011

MARY E. D'ANDREA, CLERK
Per [Signature]

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